

FILED
U.S. DISTRICT COURT
INDIANAPOLIS DIVISION

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

09 MAY -7 PM 1:45

SOUTHERN DISTRICT
OF INDIANA
LAURA A. BRIGGS
CLERK

LONNY T. PAYNE

Plaintiff

v.

CASE NO.: **1 : 09 cv- 0572 DFH-JMS**

BUREAU OF COLLECTION RECOVERY,
INC.

Defendant

COMPLAINT

The Complaint of LONNY T. PAYNE by his attorneys, UAW-GM Legal Services Plan,
is as follows:

PRELIMINARY STATEMENT

1. This is an action for statutory damages brought by an individual consumer for violations of the Fair Debt Collection Practices Act, 15 USC 1692 et. seq. ("FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

JURISDICTION

2. Jurisdiction of this Court arises under 15 USC 1692k(d) and 28 USC 1331.

PARTIES

3. Plaintiff LONNY T. PAYNE is a natural person currently residing in Albany, Delaware County, Indiana and is a "consumer" within the meaning of the Fair Debt Collection Practices Act.

4. Defendant BUREAU OF COLLECTION RECOVERY, INC. ("Defendant") is a Minnesota corporation with its principal place of business located in Eden Prairie, Minnesota. The Defendant regularly attempts to collect consumer debts asserted to be due another.

FACTS

5. Defendant communicated by telephone with Plaintiff in an attempt to collect an alleged consumer debt during the following period: Beginning on August 18, 2008 and continuing to the present with at least 57 telephone calls to Plaintiff's residential telephone number.

6. Plaintiff, by counsel, notified Defendant in writing that Plaintiff demanded that the debt collector cease further communication with Plaintiff on or about May 19, 2008.

7. Despite the notification by Plaintiff that Plaintiff demanded that the debt collector cease communication, Defendant continued to communicate with Plaintiff in an attempt to collect the alleged debt.

8. Plaintiff or Plaintiff's attorney notified Defendant in writing that the debt was disputed and verification requested on or about May 19, 2008.

9. Despite the notification by Plaintiff that the debt was disputed and verification was requested, Defendant continued to communicate with Plaintiff in an attempt to collect the alleged debt before providing the requested verification.

10. Defendant was notified on or about May 19, 2008, by letter from Plaintiff's counsel that Plaintiff was represented by an attorney regarding the alleged debt.

11. Despite the notification of attorney representation, Defendant communicated directly to the Plaintiff in an attempt to collect the alleged debt.

12. The Defendant made repeated collection telephone calls to Plaintiff over the period of August 18 through September 18, 2008.

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

13. In its attempts to collect the alleged debt from Plaintiff, Defendant has committed violations of the Fair Debt Collection Practices Act, 15 USC 1692 et. seq., including, but not limited to, the following:

A. Failing to cease communication as required after notice from the Plaintiff. 15 USC 1692c(c).

B. Failing to cease collection of the debt until verification is provided after notification in writing of a dispute. 15 USC 1692g(b).

C. Communicating with the Plaintiff, knowing that the Plaintiff was represented by an attorney. 15 USC 1692c(a)(2).

D. Engaging in harassing, oppressive or abusive conduct. 15 USC 1692d.

WHEREFORE, Plaintiff respectfully requests that judgment be entered against the Defendant for:

A. Statutory damages, costs and reasonable attorney fees pursuant to 15 USC 1692k;

B. Such other and further relief as may be just and proper.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'A. Betherford', is written over a horizontal line.

Andrew R. Betherford, I.D. #6483-18
UAW-GM Legal Services Plan
1200 S. Tillotson Overpass, Ste. 1
Muncie, IN 47304-4846
(765) 288-8980 or (800) 263-6361